

**ENTERED**

June 14, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

CHRISTOPHER ALAN LUPER,

Plaintiff,

VS.

UNIVERSITY OF TEXAS MEDICAL  
BRANCH, *et al*,

Defendants.

§  
§  
§  
§  
§  
§  
§  
§

CIVIL NO. 2:16-CV-00322

**ORDER**

Before the Court is the October 4, 2016, Memorandum and Recommendation (“M&R”) of the Magistrate Judge to whom this case was referred, Dkt. No. 13; Plaintiff’s October 24, 2016, Objection to the M&R, Dkt. No. 15; the February 12, 2018, M&R of the Magistrate Judge, Dkt. No. 22; and Plaintiff’s March 5, 2018, Objection to the M&R, Dkt. No. 24.

**I. October 4, 2016, M&R**

The October 4, 2016, M&R recommends that the Court dismiss this action. Dkt. No. 13 at 7. On October 24, 2016, Plaintiff filed an objection the M&R. Dkt. No. 15. The Court reviews objected-to portions of the Magistrate Judge’s proposed findings and recommendations de novo. 28 U.S.C. § 636(b)(1). Plaintiff’s objection is frivolous, conclusory, general, or contains no arguments that the M&R has not already considered. *See* Dkt. Nos. 13, 15; *Battle v. United States Parole Comm’n*, 834 F.2d 419 (5th Cir. 1987) (determining that a district court need not consider frivolous, conclusive, or general objections).

After independently reviewing the record and considering the applicable law, the Court **ADOPTS** the M&R in its entirety, Dkt. No. 13, and **OVERRULES** Plaintiff’s objection, Dkt. No. 15. The Court **DISMISSES** this action.

## II. February 12, 2018, M&R

The February 12, 2018, M&R, Dkt. No. 22, recommends that the Court deny Plaintiff's January 12, 2018, summary judgment motion, Dkt. No. 21. On March 5, 2018, Plaintiff filed an objection to the M&R. Dkt. No. 24. The Court reviews objected-to portions of the Magistrate Judge's proposed findings and recommendations de novo. 28 U.S.C. § 636(b)(1). Plaintiff's objection is frivolous, conclusory, general, or contains no arguments that the M&R has not already considered. *See* Dkt. Nos. 22, 24; *Battle v. United States Parole Comm'n*, 834 F.2d 419 (5th Cir. 1987) (determining that a district court need not consider frivolous, conclusive, or general objections).

After independently reviewing the record and considering the applicable law, the Court **ADOPTS** the M&R in its entirety, Dkt. No. 22, and **OVERRULES** Plaintiff's objection, Dkt. No. 24. The Court **DENIES** Plaintiff's motion for summary judgment. Dkt. No. 21.

## III. Conclusion

In conclusion, the Court:

- **DISMISSES** this action, and
- **DENIES** Plaintiff's January 12, 2018, motion for summary judgment, Dkt. No. 21.

The Court will direct entry of final judgment separately.

SIGNED this 13th day of June, 2018.

A handwritten signature in black ink, appearing to read 'Hilda Tagle', written over a horizontal line.

Hilda Tagle  
Senior United States District Judge